

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PT13

REC'D 13 JUN 2005

PCT

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To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2005/051182

International filing date (day/month/year)
11.04.2005

Priority date (day/month/year)
19.04.2004

International Patent Classification (IPC) or both national classification and IPC
H04B1/69, H04L25/49

Applicant
KONINKLIJKE PHILIPS ELECTRONICS N.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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D-80298 Munich
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Authorized Officer

Kolbe, W

Telephone No. +49 89 2399-8479



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/051182

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/051182

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-14
	No: Claims	
Inventive step (IS)	Yes: Claims	4,5,7,13,14
	No: Claims	1-3,6,8-12
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following documents:
D1: US 2004/042561 A1 (HO MINNIE ET AL) 4 March 2004 (2004-03-04)
D2: WO 01/93444 A (XTREMESPECTRUM, INC) 6 December 2001 (2001-12-06)
D3: US-A-5 832 035 (FULLERTON ET AL) 3 November 1998 (1998-11-03)
2. Inventive Step:
 - 2.1 Document D2, see in particular the passages cited in the search report, discloses as also set out in the present description a radio receiver, which differs from the receiver claimed in claim 1 only by the feature that the circuit for receiving the multiplier output only operable in the second mode and acting as an integrator.
 - 2.2 Document D1, however, discloses a receiver such as the one claimed by D1, wherein the circuit for receiving the multiplier output (217) is operable to act as an integrator or a low pass filter and wherein the mode of operation is controlled by the bit or symbol error rate of the received data.
 - 2.3 A skilled person, faced with the problem to reduce number of errors in the received data, would therefore apply the teaching of D1 to the receiver of D2 and would arrive at the radio receiver as defined in claim 1 wherein an integrator/ low pass filter is controllable dependent upon the reception mode without the exercise of an inventive step.

Hence the subject matter of claim 1 does not meet the criteria of Article 33(3) PCT.
 - 2.4 The subject-matter of independent claims 6 and 10 corresponds to the subject-matter of claim 1, therefore the above argumentation correspondingly applies to this claim.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB2005/051182

- 2.5 Dependent claims 2, 3, 8, 9, 11 and 12 do not contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step (Article 33(3) PCT) since these claims merely define an association of known features functioning in their normal way and, in combination, not producing any non-obvious working interrelationship, cf. PCT Guidelines Chapt. IV,8.8(B1).

Re Item VII

Certain defects in the international application

1. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
2. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 to D3 is not mentioned in the description, nor are these documents identified therein.

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INTERNATIONAL SEARCHING AUTHORITY**

International application No.
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INTERNATIONAL SEARCHING AUTHORITY**

International application No.
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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-14
	No: Claims	
Inventive step (IS)	Yes: Claims	4,5,7,13,14
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Industrial applicability (IA)	Yes: Claims	1-14
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2. Citations and explanations

see separate sheet

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
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